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February 14, 2018

CAL FIRE Resource Management, Coast Region
135 Ridgway Ave, Santa Rosa, CA 95540

RE: EPIC Comments Regarding THP 1-12-026HUM, Amendment #6

Dear CAL FIRE Coast Region Resource Management:

The following comments are submitted on behalf of the Environmental Protection Information Center (EPIC) regarding Humboldt Redwood Company (HRC) Timber Harvest Plan (THP) 1-12-026HUM “Long Ridge Cable,” Substantial Deviation, Amendment #6. Please consider these comments as significant environmental concerns raised during the review team process, and accordingly, please provide a written response to each point raised prior to issuing a Notice of Conformance for any of the subject-THP/Substantial Deviation.

Summary

Amendment #6 to the “Long Ridge Cable” THP involves construction of new road segments not previously contemplated under the long-since approved-THP and should be denied on the basis that it fails to: (1) comply with substantive informational and analytical requirements of the Forest Practice Act and Rules for a Substantial Deviation; (2) fails to comply with Forest Practice Rules and California Environmental Quality Act requirements to consider, choose, and to disclose to the agencies and the public, what, if any equally feasible, less-damaging alternatives to the proposed Substantial Deviation for road construction were considered and why other alternatives were rejected; and (3) comply with Forest Practice Rules requirements pertaining to considerations for evaluating construction, use and planning of roads and road networks.

Given that no physical change in environmental conditions has occurred since initial approval of the “long Ridge Cable” THP, and that no other THP design or operational features appear to have changed, the Amendment #6 Substantial Deviation fails to offer a legitimate reason to CAL FIRE or the public as to why the proposed new road construction is needed or why it was not simply included as part of the THP as originally proposed and approved.

Additionally, HRC has previously conducted partial timber operations on the Long Ridge Cable THP.

No changes in the physical environmental, technical, social, or economic considerations affecting the feasibility of operations of the THP as originally approved appear to have occurred. This issue of contention is relevant in the context of consideration and the choosing of the least damaging and most feasible alternatives and systems to conduct timber operations as is required pursuant to 14 CCR 897(a).

The Amendment #6 to the “Long Ridge Cable” THP therefore should be denied pursuant to 14 CCR 898.1(c)(1)&(2), 14 CCR 923.1(a)&(b), and 14 CCR 898.2(c).

(1). Failure to Comply with Information and Analytical Requirements for a Substantial Deviation

A Substantial Deviation to an approved Plan, including a THP, such as the “Long Ridge Cable” THP is an amendment that meets the definition contained at 14 CCR 895.1, and that, “could significantly affect,” the list of other values and considerations provided in the Forest Practice Act by the Legislature at Public Resources Code 4513(a)-(b). Amendment #6 to the “Long Ridge Cable” THP meets the criteria of a Substantial Deviation as defined at 14 CCR 895.1 on the basis that its sole purpose is to propose additional road segment construction not contemplated in the originally-proposed and approved-THP.

Accordingly, in order for Amendment #6 to be approved as a Substantial Deviation, HRC and the RPF submitting the amendment must address all the factors and considerations listed at Public Resources Code 4513(a)-(b), and must present CAL FIRE and the public with a finding based on exercise of professional judgement whether or not the proposed Substantial Deviation will have a significant adverse impact on any of those listed-considerations. Such disclosure is necessary in order for the Department to be informed about proposed activities, and exercise its discretion in either approving or denying the Substantial Deviation, and for the public to meaningfully understand and to investigate the evidence upon which the RPF exercised professional judgement and made a finding that none of these factors or considerations would be significantly adversely affected by the proposed-deviation.

In the resubmitted version of Amendment #6 dated November 1, 2017, the RPF states that, the proposed Substantial Deviation is “not expected to make significant changes in the conduct of timber operations,” and that the proposed Substantial Deviation, “can be reasonably expected not to adversely affect,” the list of other considerations articulated at PRC 4513(a)-(b). The statement of the RPF that the proposed Substantial Deviation is not expected to make significant changes to the conduct of timber operations seems to directly contradict claims made in this same letter that the need for the Substantial Deviation is due to need for greater access for timber management and fire suppression activities. If it is acknowledged that the road construction pursuant to the proposed Substantial Deviation will not have a significant beneficial effect on access for timber management and fire suppression activities, then why is it necessary?

Further, the statement made by the RPF in Amendment #6 that the proposed Substantial Deviation “cannot reasonably be expected,” to adversely affect other required considerations is

not supported by any evidence or discussion that relates the activity that is the subject of the proposed Substantial Deviation on any of these other considerations. Additionally, it is entirely unclear if the statement that the Substantial Deviation “cannot reasonably be expected” to adversely affect other considerations is intended to be a finding made by the RPF based on professional judgement after having considered the activities proposed and the list of other required considerations. Although geologic reports and road design reports are included in the Substantial Deviation, the submitting RPF fails to provide a logical connection between these considerations and the list of required considerations when proposing a Substantial Deviation. Finally, what exactly is meant by the phrase, “cannot reasonably be expected,” to have an adverse impact on other considerations is entirely unclear.

EPIC recommends that CAL FIRE deny Amendment #6 on the basis of failure to comply with requirements for consideration of other values and failure to disclose either to the Department or the public any information of meaning pertaining to what impacts the proposed Substantial Deviation may have, and whether or why it is even necessary at all.

(2). Failure to Consider and Disclose Equally-Feasible, Potentially Less-Damaging Alternatives

The Forest Practice Rules clearly demand that RPFs submitting Plans, including THPs, must consider a range of feasible alternatives, silvicultural and operational systems from among those alternatives afforded in Board Rules in order to comply with the intent of the Rules and the Forest Practice Act. (*See*: 14 CCR 897). Additionally, 14 CCR 898.1(c)(1), Review of Plan by Director, requires CAL FIRE to disapprove a Plan that does not incorporate feasible silvicultural systems, operational methods and procedures that will substantially lessen significant adverse impacts on the environment.

Amendment #6 contains no discussion of any equally-feasible, potentially less-environmentally-damaging alternatives to the Substantial Deviation as proposed that may have been considered. Further, to the extent that the RPF considered any alternative scenarios, no information is provided to allow CAL FIRE as the lead agency to determine whether or not the RPF has complied with 14 CCR 897 in conducting its review based on the criteria articulated at 14 CCR 898.1(c)(1). How, then can CAL FIRE recommend that the Substantial Deviation is in conformance with all applicable provisions of the Act, Rules, and CEQA, when the RPF provides no information upon which to base such a recommendation and subsequently to issue a Notice of Conformance?

This is relevant insofar as one of the potentially and equally-feasible less-environmentally-damaging alternatives to the activities proposed in the Substantial Deviation is to not conduct them. Again, the RPF provides sparse information and absolutely no rationale to enlighten why the existing road network is not sufficient to carry out and complete timber operations as conceived in the now long-since-approved THP, which, again, HRC has already conducted partial operations upon. CAL FIRE as the lead agency, and the public at-large are left in-the-dark as to what, if any alternatives to the activities proposed in the Substantial Deviation may have been considered, and why other alternatives, to the extent any were considered, may have been rejected by the submitting-RPF and on what evidentiary or evaluatory basis.

EPIC recommends that CAL FIRE deny Amendment #6 on the basis that if fails to comply with the Forest Practice Rules requirements to consider and choose from available feasible alternatives that would fulfill the needs of the timberland owner, while ensuring that CAL FIRE, other agencies, and the public have a basis upon which to be assured that the least-environmentally-damaging alternatives from within the range provided in the Rules have been considered and applied.

(3). Failure to Comply with Requirements for Roads and Road Networks

The Amendment #6 to the “Long Ridge Cable” THP, as a Substantial Deviation, must comply with all substantive operational and informational provisions contained in the Forest Practice Rules pertaining to the planning, construction, reconstruction, use, and maintenance of roads and road networks. Specifically, 14 CCR 923, Intent for Logging Roads, Landings, and Logging Roads Watercourse Crossings must be considered and addressed. The HRC (Formerly Pacific Lumber Company) Habitat Conservation Plan and Operating Aquatics Conservation Strategy do not give HRC a pass from addressing such requirements and neither do the Forest Practice Rules.

To be clear, while 14 CCR 923(f)(4) does afford an exemption from provisions contained in Article 12 for Rules applying in watersheds with listed salmonids, HRC and the RPF must nevertheless address the considerations listed at 14 CCR 923(a)(1)-(3) and (b)(1)-(7), which apply universally and not solely in watersheds with listed salmonids.

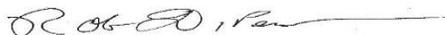
Amendment #6, as a Substantial Deviation, fails to address any of the factors listed in 14 CCR 923(a)(1)-(3) and (b)(1)-(7) in a manner that would satisfy the requirements of the Rule. Further, the Substantial Deviation contains no indication that the RPF and HRC are proposing an exception to any of these rules as afforded at 14 CCR 923(c). Accordingly, Amendment #6, as a Substantial Deviation fails to comply with all applicable Forest Practice Rules by failing to address the considerations listed at 14 CCR 923(a)(1)-(3) and (b)(1)-(7), and should consequently be denied.

Conclusion

Given the reasons cited above herein, Amendment #6 to the “Long Ridge Cable,” THP, as a Substantial Deviation, fails to comply with applicable provisions of the Forest Practice Act and Rules and therefore must be denied pursuant to 14 CCR 898.1(c)(1)&(2), and 14 CCR 923.1(a)&(b), and 14 CCR 898.2(c).

Sincerely,

Rob DiPerna



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